

### REMARKS

By this amendment, claims 1 and 13-15 have been amended. Claims 1-15 are pending in the application. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Powelson et al. (US 6,940,790). This rejection is respectfully traversed.

Claim 1 recites an information recording/reproducing apparatus comprising, *inter alia*, "a test data examining unit examining the reproduction signals of the multi-level data including the test data to determine whether the test data is normal, wherein determining whether the test data is normal comprises determining whether a distribution of the test data is within a predetermined range" (emphasis added). Claims 13-15 recite similar limitations. Applicant respectfully submits that Powelson et al. does not disclose these limitations.

To the contrary, Powelson et al. discloses that "[i]f the mean-squared-difference between the target and recovered data pattern is less than a maximum threshold error value, the procedure terminates successfully." Col. 7, ln. 7-10. Applicant respectfully submits that Powelson et al. does not disclose, teach, or suggest that determining whether the test data is normal comprises determining whether a distribution of the test data is within a predetermined range, as recited in claims 1 and 13-15.

Since Powelson et al. does not disclose all the limitations of claims 1 and 13-15, claims 1 and 13-15 are not anticipated by Powelson et al. Claims 2-12 depend, respectively, from independent claim 1, and are patentable at least for the reasons

mentioned above, and on their own merits. Applicant respectfully requests that the 35 U.S.C. § 102(b) rejection of claims 1-15 be withdrawn and the claims allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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